

02280.002470

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

E. MICHAEL ACKLEY, JR., ET AL.

Application No.: 09/479,549

Filed: January 7, 2000

For: METHOD TO PRINT
MULTICOLOR IMAGES
ON EDIBLE PIECES

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Examiner: S. Weinstein

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Group Art Unit: 1761

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Commissioner for Patents
Washington, D.C. 20231

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DECLARATION UNDER 37 C.F.R. §1.131 OF MICHAEL S. WOZNAK

Sir:

The undersigned, MICHAEL S. WOZNAK, declares as follows:

1. I am a joint inventor of the inventions described and claimed in the above-identified patent application.

2. Prior to June 7, 1999, the joint inventors named in the application conceived in the United States the inventions set forth in Claims 1-4 and 9-12 of the application.

3. A copy of my signed lab workbook pages from which dates have been redacted is attached as Exhibit 1.

4. The lab workbook pages evidence the conception of the invention of claims 1-4 and 9-12, showing a system wherein a pressure differential (vacuum) is applied to recesses to maintain a registering relationship of shaped edible pieces between printing stations.

5. Prior to June of 1999, I received a letter from patent attorneys for the assignee of the above application, enclosing a draft of the present application, complete with claims and drawings. The letter is addressed to me, with copies to other of the joint inventors, or their patent attorneys. A copy of this letter, from which the date has been redacted, is attached as Exhibit 2. A copy of said draft of the application, from which the date has been redacted, is attached as Exhibit 3.

6. The application draft is evidence of conception of the invention of claims 1-4 and 9-12 because the claims of the draft substantially correspond to the claims as filed. The description and drawings from the draft of the application provide an enabling disclosure of the invention.

7. The invention of claims 1-4 and 9-12 was actually reduced to practice prior to June of 1999. Prior to June of 1999, I personally observed a test run in

which multicomponent images were printed on M&M's® brand chocolate candies, utilizing vacuum to hold the candies in registering relationship between offset printing stations.

8. Evidence of this reduction to practice is provided in a proposal letter sent to M&M Mars, Incorporated prior to June of 1999 describing the printing test contracted for. The proposal letter references a "second print unit" and a "product registration hold down assembly." A copy of this letter from which the date has been redacted is attached as Exhibit 4.

9. Evidence of this reduction to practice is further provided in a purchase order referencing equipment needed for the printing test. A copy of this purchase order from which the date has been redacted is attached as Exhibit 5.

10. Prior to June of 1999, the printing test was completed. I personally inspected M&M's® brand candies produced in the printing test, and found the images thereon to be very high resolution, multicolor composite images.

11. Between the conception of the invention of claims 1-4 and 9-12 of the above application prior to June 7, 1999 and the above-mentioned reduction to practice prior to June 7, 1999 the joint inventors worked diligently to reduce the invention to practice. Specifically, the above-mentioned printing test was contracted generally at the

first mutually convenient times that the inventors and printing contractor were available for running the tests.

12. The foregoing statements are made to prove a date of invention for present claims 1-4 and 9-12 prior to the filing date of U.S. Patent No. 6,314,876, filed June 7, 1999.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

30 Oct. 2002
Date

Michael S. Wozniak
Michael S. Wozniak